

CHAPTER 266.

[Published March 25, 1873.]

AN ACT to amend subdivision two of section one of chapter ninety-two of the revised statutes, as amended by chapter one hundred and twenty-one of the general laws of 1870, entitled "of real property by descent."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. When an executor or administrator shall be appointed in any other state or foreign country, on the estate of any person not a resident of this state at the time of his or her decease, and no executor or administrator thereon shall be appointed in this state, such foreign executor or administrator, upon filing in the probate of any county in which any mortgage or mortgages, held by the estate of such deceased person, is recorded, an authenticated copy of his appointment, may execute, acknowledge and deliver, as such foreign executor or administrator, deeds of assignment of said mortgage or mortgages, the same as executors and administrators appointed such under the laws of this state may now do. Such instruments shall, in all respects, have and be of the same effect as like instruments executed by executors or administrators appointed such under the laws of this state, and shall, in all respects, in like manner, with such instruments, be entitled to record and be recorded.

How foreign executor may execute deeds of assignment.

Approved March 19, 1873.

CHAPTER 267.

[Published March 27, 1873.]

AN ACT to authorize town supervisors to lay out public highways in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. When any person shall present to the board of supervisors of any town an affidavit satisfying said board that he or she is owner of real estate within said town, which is occupied by some person or persons living thereon, (describing the same), and that said

Supervisors may lay out highway, when right of way cannot be purchased at reasonable price.

real estate is shut out from all public highways by being surrounded on all sides by real estate belonging to other parties, that he or she is unable to purchase from any of said parties the right of way over or through the same to a public highway, or that it cannot be purchased except at an exorbitant price (in which case the minimum price for which the same can be purchased by said applicant shall be stated), the said board of supervisors may, at their discretion, after ten days and within thirty days, proceed to lay out a public highway, of not more than three rods in width, to said real estate, in such place as to them shall seem most proper, and shall assess the damages and advantages to the owner or owners of real estate over or through which the same shall be laid, the amount whereof, when so assessed, shall be paid by the town: *provided*, that the amount of damages so assessed by the supervisors shall in no case exceed the minimum price as stated in the affidavit: *provided, further*, that an appeal may be taken from the assessment of damages and conducted in like manner as appeals from decisions of town supervisors in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue a public highway.

Damages to be paid by the town.

May appeal from assessment of damages.

How notice shall be given.

SECTION 2. Notice of the time and place of meeting to lay out said highway shall be given by said supervisors by posting written or printed notices thereof in three of the most public places in said town, as is now provided by law for laying out public highways.

SECTION 3. All acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.